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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,946	03/19/2004	Joseph A. Manico	87489NAB	8070
7590 Mark G. Bocchetti Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER PASIEWICZ, DANIEL M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 10/27/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/804,946

**Applicant(s)**

MANICO ET AL.

**Examiner**

DANIEL M. PASIEWICZ

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-39 and 44-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-39 and 44-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 33-39 and 44-50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 33-39 and 44-50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2004/0095474 A1 to Matsufune.**

5. **Claims 33-39** are corresponding method claims to, and fully encompassed by, system claims 44-50 respectively. Thus, for the sake of brevity, Applicant is directed to the detailed rejection of claims 44-50 below, as claims 33-39 are rejected for similar rationale.

6. With respect to **claim 44 Matsufune** discloses, in Fig. 1-33, a system for forming a presentation comprising a set of image sequences (paragraph 64), the system comprising: a digital camera (1) operated by a camera operator (paragraph 68, 75 and 78); a control panel comprising a display (29) and an operator interface (27) (See Fig. 1 and paragraph 70-71); a control logic processor (11) communicatively connected to the digital camera (1) and the control panel (paragraph 76, 94 and 104); a data storage device system (16, 22, 23 and 24) communicatively connected to the control logic processor (11) and storing instructions configured to cause the control logic processor (11) to implement a method for forming a presentation comprising a set of image sequences (paragraph 84, 102 and 394-399; where a storage system is made up of several memories for storing various information; one of said memories in the system is used to store a control program to perform the functions of the camera), wherein the instructions comprise: (a) instructions for obtaining programmed instructions from the data storage device system, the programmed instructions for capturing members of the set of image sequences (paragraph 177 and 166; where a template is selected, these templates are stored in memory); (b) instructions for assembling an electronic storyboard, according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image sequences made at least in part

before their capture (paragraph 110, 117 and 164-237; where a template is created as described in paragraph 164-237, this is done prior to capturing the images); (c) instructions for prompting the camera operator to have the camera operator use the camera to capture individual members of said set of said image sequences by displaying operator instructions to the camera operator (Fig. 7-8 and paragraphs 248-251); (d) instructions for storing said set of said image sequences in the data storage device system (paragraph 96 and 267-268); (e) instructions for assembling the presentation using said set of said image sequences, including the individual members captured by the camera operator, according to said electronic storyboard (paragraph 127-128); and (f) instructions for recording the presentation to the data storage device system (paragraph 117 and 163).

7. With respect to **claim 45 Matsufune** discloses, in Fig. 1-33, a system according to claim 44 wherein the instructions for obtaining programmed instructions comprises instructions for reading a magnetic medium (paragraph 382).
8. With respect to **claim 46 Matsufune** discloses, in Fig. 1-33, a system according to claim 44 wherein the instructions for obtaining programmed instructions comprises instructions for reading an optical medium (paragraph 121).
9. With respect to **claim 47 Matsufune** discloses, in Fig. 1-33, a system according to claim 44 wherein the instructions for obtaining programmed instructions comprises instructions for communicating over a network (paragraph 99, 380 and 399).

10. With respect to **claim 48 Matsufune** discloses, in Fig. 1-33, a system according to claim 44 wherein the instructions for assembling an electronic storyboard comprise instructions for obtaining operator responses to prompts (paragraph 118 and 126).
11. With respect to **claim 49 Matsufune** discloses, in Fig. 1-33, a system according to claim 44 wherein the instructions further comprise instructions for obtaining stored images for use in the presentation (paragraph 127).
12. With respect to **claim 50 Matsufune** discloses, in Fig. 1-33, a system according to claim 44 wherein the instructions for assembling the presentation comprise instructions for: (a) loading into the data storage device system at least one pre-stored image not obtained from the camera (paragraph 98-100 and 180); and (b) using said at least one pre-stored image as part of the presentation (paragraph 163, 172; where pre-stored images such as #1, #3 and #5 are used in the presentation).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL M. PASIEWICZ whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP  
October 20, 2009

/Sinh Tran/  
Supervisory Patent Examiner, Art Unit 2622